

1 date the report was prepared?

2 A Yes.

3 Q So that reflects things as they were as of  
4 February 23, 1995.

5 A Correct.

6 Q Okay. So as of that date, any of your fellow  
7 executives reading this report would understand that you  
8 were planning to install for example Waterside Plaza on  
9 March 15 and 75 West End Avenue on March 15 and the GM  
10 Building on March 27. Is that right?

11 A I'd like to think so.

12 Q Excuse me?

13 A I said I'd like to think they do.

14 Q Okay. But I mean that was the purpose of the  
15 report to let other people know what you, the Operations  
16 Director, were planning? Right?

17 A Correct.

18 Q Okay. Now with respect to -- well let me strike  
19 that. It's true, is it not that Liberty did not install  
20 customers until the signal that the customers were going to  
21 be buying was present in the building right?

22 A Correct.

23 Q Okay. So -- so in other words if you -- if you  
24 plan to install customers beginning for example on March 15,  
25 that would mean that you would plan to have a signal in the

1 building on that date either from a microwave path or from a  
2 coaxial cable connection from an adjoining building or  
3 something. Is that right?

4 A Yes it -- we'd have a signal with that building.

5 Q Okay. So with respect to the microwave aspect of  
6 this report, did you consult with Mr. Nourain when you --  
7 before you prepared the report?

8 A Yes.

9 Q So would -- you know would you as a regular basis  
10 maybe have a little chat with him on Wednesday before the  
11 Thursday this report was due and just get his update on his  
12 progress in doing the microwave systems?

13 A Yes.

14 Q Okay. But I take it that in none of those  
15 discussions did anything come up about licensing of  
16 microwave systems? Is that what you're saying?

17 A Yes.

18 Q All right.

19 MR. BECKNER: Excuse me, Your Honor.

20 JUDGE SIPPEL: Off the record. Back on.

21 BY MR. BECKNER:

22 Q Mr. Ontiveros, were you aware that -- that at any  
23 time in 1995 that Time Warner had begun opposing Liberty's  
24 microwave applications at the FCC?

25 A Yes.

1 Q Okay. And about when did you become aware of  
2 that, if you recall?

3 A Again around that same time frame, the end of  
4 April.

5 Q Did you learn of that at about the same time as  
6 you learned that Liberty might be running without licenses?

7 A You know to me all that microwave, FCC, any of  
8 those kind of issues, were all you know one and the same.  
9 So probably just viewed it as this whole bunch of  
10 information.

11 Q Okay. And you can't really in your mind sort of  
12 separate out one piece of it from another is that what  
13 you're telling us?

14 A Yes.

15 Q Okay. And let me just ask you one other thing  
16 about that. Did you have any understanding of what the  
17 significance or important -- importance was of the fact that  
18 Time Warner was petitioning against Liberty's applications  
19 at the FCC?

20 A I'm sorry I didn't.

21 Q You said that you -- as part of this body of  
22 knowledge that you had about microwaves and about Liberty's  
23 being -- operating without licenses, you also knew that Time  
24 Warner was opposing Liberty's applications at the FCC?  
25 Correct?

1 A Correct.

2 Q Okay. And what I'd like you to tell us if you  
3 could is what was the significance in your mind if any, of  
4 the fact that Liberty's FCC applications were being opposed  
5 by Time Warner at the FCC?

6 A I don't know if I had an opinion.

7 Q I mean did anybody tell you anything about why  
8 this was or might have been an important fact?

9 A No I don't recall.

10 Q Okay. I don't have anything further, Your Honor.

11 JUDGE SIPPEL: Mr. Holt?

12 MR. HOLT: Yes, Your Honor. I have some  
13 questions. Also, we did receive just before we began this  
14 session this afternoon a set of documents that Louie  
15 mentioned this morning were located in his files before we  
16 began this morning. How would you like us to proceed?

17 Because they're -- there seems to be some  
18 questions that I have emanating from these documents  
19 although I've just taken a first pass through them.

20 JUDGE SIPPEL: Of Mr. Ontiveros?

21 MR. HOLT: They may be -- some of them may be of  
22 Mr. Ontiveros. It's difficult to say having just received  
23 the documents. I'm not positive where they originated. I  
24 guess my question is have you thought about any sort of  
25 procedures giving me some time to review these documents in

1 order to question the witnesses?

2 JUDGE SIPPEL: Well you had them since when?

3 MR. HOLT: About I'm sorry what time did we return  
4 here, 12:30?

5 JUDGE SIPPEL: Yeah. At 12:30 you received them?

6 MR. HOLT: Yeah.

7 JUDGE SIPPEL: Well let's take a 15 minute recess.  
8 You look at them and talk to Mr. Beckner and Mr. Weber about  
9 it and we'll come back on the record and you'll let me know  
10 what you think.

11 MR. HOLT: Okay. Thank you Your Honor.

12 JUDGE SIPPEL: We're at recess until 2:00.

13 JUDGE SIPPEL: Be seated. Mr. Holt were you able  
14 to come to any conclusions?

15 MR. HOLT: Your Honor what I would like to do is  
16 begin with some questioning and try to proceed through some  
17 of these documents. I understand -- I have not seen these  
18 any time earlier than today. And have only been able to  
19 flag -- I mean I've been through them now once. And I  
20 flagged some that have raised some questions that I'd like  
21 to ask. But --

22 JUDGE SIPPEL: Are these questions -- I mean these  
23 have to be questions that are focused on the you know on the  
24 credibility issue, not just a question of --

25 MR. HOLT: Yeah --

1 JUDGE SIPPEL: We're not doing an audit here.

2 MR. HOLT: No, you're right. They are focussed on  
3 credibility issue. I guess I'm just seeking in advance your  
4 indulgence in asking some of these questions since these are  
5 entirely fresh documents and I haven't had an opportunity to  
6 explore them with the witness.

7 JUDGE SIPPEL: Well I mean what do you intend to  
8 do? To have them marked as an exhibit and offer them into  
9 evidence? Or how do you expect to -- how do you intend to  
10 question the witnesses with the documents?

11 MR. HOLT: What I could do, Your Honor, is  
12 whichever way Your Honor thinks it would be best to proceed.  
13 I could put copies of the documents in front of the witness.  
14 I believe that Liberty's counsel has indicated that they  
15 have an extra copy. If I can ask them questions if it seems  
16 like it is necessary we can mark it for identification.  
17 However, Your Honor would like to proceed.

18 JUDGE SIPPEL: Well again have what does Mr.  
19 Begleiter, Mr. Spitzer what is your views on this? I mean  
20 what -- have you gave this some thought off the record or  
21 what?

22 MR. SPITZER: Well we do have an extra set, Your  
23 Honor so we're obviously happy to accommodate mechanically  
24 with respect to whatever Your Honor desires. And we  
25 understand we produced these documents late, so we won't

1 object if Mr. Holt wants to use them in what would be  
2 slightly you know unconventional procedure since this is the  
3 hearing itself.

4 JUDGE SIPPEL: I'm not -- I'm not -- I -- I really  
5 am not terrorized by unconventional procedures. As long as  
6 they work.

7 MR. SPITZER: We would be happy to permit him to  
8 ask the questions if he has particular documents here which  
9 he feels raise relevant questions of the witness. I gather  
10 just from asking him, he asked me just to identify just a  
11 few documents where they came from, I gather its not that  
12 many documents.

13 So I don't think it should take that long to -- to  
14 do this.

15 JUDGE SIPPEL: All right. Do you have a set for  
16 me? In what they might appropriate to say in a different  
17 context we'll start by winging it and see how we can do it.  
18 But I would be inclined to do would be to certainly have  
19 some way of identifying -- we have to identify what the  
20 witness is testifying if he has questions of and at some  
21 later date we can actually you know have them marked with  
22 the reporter and bring them into evidence.

23 MR. HOLT: Your Honor I just want to clarify that  
24 to one set of documents, not two.

25 JUDGE SIPPEL: Oh.

1 MR. HOLT: I looked in the closet and said two big  
2 binders, it's one set of documents. And each document does  
3 have a Bates number on it. Since these are production  
4 documents there is an identifying number at the base of each  
5 page that can very readily be identify the documents.

6 JUDGE SIPPEL: All right. Then this is a -- do  
7 you have another set for the witness? This is it. All  
8 right. We'll --

9 MR. HOLT: We brought production sets for all  
10 counsel, Your Honor.

11 JUDGE SIPPEL: All right. Well let's -- we're  
12 going to still try and -- and make this work and let

13 MR. HOLT: Okay.

14 JUDGE SIPPEL: -- this witness go home tonight.  
15 All right let's go. Go ahead Mr. Holt.

16 CROSS EXAMINATION

17 MR. HOLT: Yhank you, Your Honor. I'd like to  
18 begin by directing the witness' attention to Time Warner  
19 Cablevision Exhibit 40.

20 JUDGE SIPPEL: That's 40?

21 MR. HOLT: Yeah, it should be in a binder.

22 JUDGE SIPPEL: That will be at the end of the  
23 binder but it won't be in a tab. It will be with these  
24 documents here.

25 THE WITNESS: Okay.



1 JUDGE SIPPEL: See if you can keep them in a clip  
2 please if you would. This is the reporter's copy you have.  
3 Number 40?

4 MR. HOLT: Yes, Your Honor.

5 THE WITNESS: I'm sorry.

6 JUDGE SIPPEL: That's all right. That's okay.  
7 This is the letter dated July 12, 1995 from Mr. Lehmkuhl to  
8 the FCC. This is Number 40 is that correct?

9 MR. HOLT: Yes, Your Honor.

10 JUDGE SIPPEL: All right.

11 MR. HOLT: It's a request for STA that was filed  
12 by Liberty on July 12, 1995.

13 JUDGE SIPPEL: Okay.

14 BY MR. HOLT:

15 Q Mr. Ontiveros, if you could turn to page 6 of that  
16 exhibit you could see the six on the bottom of the right  
17 hand corner. Do you have that before you?

18 A Yes.

19 Q You see a number of received locations listed on  
20 the right hand side do you not?

21 A Yes.

22 Q And are you familiar with those received  
23 locations?

24 A Yes.

25 Q Now it's been stipulated and our authorization for

1 Liberty to operate OFS paths to these received locations was  
2 granted by the FCC on September 7, 1995. That's been  
3 stipulated, too, by your counsel.

4 My question is turning first to the address listed  
5 4525 Henry.

6 A I'm sorry you mentioned a date. Were you reading  
7 from this page?

8 Q No you can take it as a given that Liberty  
9 received authorization to operate a path to this site on  
10 September 7, 1995.

11 A And that's I'm sorry which address?

12 Q To all of these addresses.

13 A To all of them. Okay.

14 Q My question focussing first on the 4525 Henry  
15 address. Do you know whether Liberty commenced providing  
16 service to that location prior to September 7, 1995?

17 A No.

18 Q You don't know or they did not?

19 A I don't know.

20 MR. SPITZER: Can I just ask was that an address  
21 listed on the HDO?

22 MR. HOLT: No it's not.

23 MR. SPITZER: Well Your Honor I would just ask  
24 that Mr. Holt not ask if that address is not on the HDO. I  
25 mean I think it's in line with your ruling of last week.

1 JUDGE SIPPEL: Well it is. But I thought when you  
2 were asking about 2727 Palisades.

3 MR. BEGLEITER: No he's not. He asked about 4525  
4 Henry.

5 MR. HOLT: Yes, Your Honor 2727 Palisades was one  
6 of the path sites listed on the HDO.

7 JUDGE SIPPEL: I know.

8 MR. HOLT: What I'm seeking to know whether  
9 Liberty commenced service to any of the other paths listed  
10 on this -- in this list prior to the time that they received  
11 authorization in September?

12 JUDGE SIPPEL: Oh. I'm going to sustain the  
13 objection.

14 MR. HOLT: And again --

15 JUDGE SIPPEL: What you're suggesting is is that  
16 Appendix A to the Hearing Designation Order is not full and  
17 complete. Because I'm sure that the Bureau, I'm sure that  
18 they were being charged with every unauthorized premature  
19 activation that was done.

20 MR. HOLT: That the Bureau was made aware of Your  
21 Honor but what I'm also suggesting is if they commenced  
22 operations during the time when they were implementing this  
23 compliance program and the issue of the effect on the  
24 programs.

25 JUDGE SIPPEL: That's not what we're hear to

1 decide though. We're really -- I mean I gave you some  
2 leeway on that the other day, but we're not here to decide  
3 that. This has to do with candor and misrepresentation,  
4 false statements, that type of thing. So I -- I'm going to  
5 sustain the objection.

6 MR. HOLT: Thank you Your Honor.

7 JUDGE SIPPEL: Are you finished with this  
8 document?

9 MR. HOLT: Yes I am. Thank you.

10 BY MR. HOLT:

11 Q I guess I'd like to begin my review of the  
12 documents that were provided this morning by directing  
13 your -- or this afternoon by directing your attention to --

14 MR. SPITZER: I think --

15 MR. HOLT: I received them only on lunch break.

16 BY MR. HOLT:

17 Q I guess by directing your attention to the  
18 documents that begins with the Bates number 017585.

19 JUDGE SIPPEL: 0-1-7

20 MR. HOLT: 585.

21 JUDGE SIPPEL: Mr. Begleiter, can you have  
22 somebody come up here and help the witness, direct the  
23 witness to this? Somebody come here on this side of the  
24 table now. Thank you, Mr. Chen.

25 //

1 BY MR. HOLT:

2 Q As a foundational matter, do you know during the  
3 period of July 1994 through July 1995 whether Liberty had in  
4 place any sort of policy or procedure with respect to how  
5 long it would wait to activate microwave paths after  
6 submitting requests for path coordination?

7 A No.

8 Q Do you know whether Mr. Nourain had any sort of  
9 practice or procedure in place to activate paths based on an  
10 assumption as to when the FCC might act on a request for  
11 authorization to operate the paths?

12 A No, I don't.

13 Q I've been questioning the witness about this  
14 document. I'll even be brief Your Honor.

15 JUDGE SIPPEL: All right. Thank you Mr. Holt.

16 MR. SPITZER: Just for the record, Your Honor I  
17 don't believe this is a new document. I think this is may  
18 even be part of Exhibit 24.

19 JUDGE SIPPEL: Whose 24?

20 MR. SPITZER: Time Warner I'm sorry.

21 JUDGE SIPPEL: All right well let's not.

22 MR. SPITZER: I'm sorry I hate to belabor it.

23 JUDGE SIPPEL: No I don't -- I don't object to  
24 your doing that, Mr. Spitzer, but noted that. Let's move  
25 on.

1 MR. HOLT: Your Honor actually that's an  
2 interesting point. If I may since Liberty's counsel has  
3 indicated that it might be a part of 24, you'll see that  
4 this document that I just directed to you, directed your  
5 attention to on Document Number 017588.

6 JUDGE SIPPEL: That's a Bates Number. Right?

7 MR. HOLT: Yes, Your Honor.

8 JUDGE SIPPEL: Okay. Now go ahead.

9 MR. HOLT: Which is labelled C List not activated  
10 buildings under contract. If you compare that with the same  
11 page for Time Warner Cablevision Exhibit 24, you'll see that  
12 this page of the recently given document is not redacted  
13 except for the first entry under buildings. But the entire  
14 page is redacted in the copy that was given to us that we  
15 made an exhibit.

16 So I would ask that we substitute the non-redacted  
17 page for this redacted page so that we have a complete  
18 document because there are arguments I'd like to make off of  
19 this page.

20 JUDGE SIPPEL: Well you're going to have to --  
21 you're going to have to -- no I'm not going to permit that.  
22 I mean there has to be a better showing than what you've  
23 just represented. Let me just -- let me ask Mr. Begleiter  
24 and Mr. Spitzer.

25 What is -- what's the purpose of the redactions?

1 Is this because -- well you tell me.

2 MR. SPITZER: They were buildings unrelated to the  
3 HDO Your Honor. I mean those were the documents created  
4 subsequent to the issuance of the HDO to -- as part of what  
5 Mr. Price testified at length about in the several of the  
6 depositions in effort just to figure out what had happened  
7 and the redactions were related to non HDO buildings.

8 MR. HOLT: Your Honor the redactions also -- the  
9 redacted information as we now see include dates that  
10 certain conduct occurred it appears. And some of those  
11 dates correlate to the with the dates that such was  
12 activated for 2727 Palisades.

13 And its curious to me that these buildings don't  
14 appear to have been commenced prematurely yet the time  
15 sequence very similar if not identical to the time sequence  
16 that proceeded the activation of 2727 Palisades.

17 It goes to the question of whether or not Mr.  
18 Nourain is providing truthful testimony with regard to his  
19 assumptions and how he proceeded with respect to activating  
20 service.

21 JUDGE SIPPEL: Well I'm not so sure about the  
22 accuracy of Mr. Nourain's assumptions. But you know  
23 truthfulness, intent and all that is a whole different -- a  
24 whole different phase of what we're trying to do here.

25 Let me ask -- let me ask the Bureau what their

1 views are on this. Mr. Weber?

2 MR. WEBER: Well I don't -- I -- Mr. Holt I think  
3 just kind of lost me on his last point. With the activation  
4 of -- about the dates correlating with the activation of  
5 2727 Palisades. Because the "C" List are non activated  
6 buildings.

7 I certainly wouldn't have any objection to having  
8 a version in the record which shows the dates. I don't know  
9 what that will add to the record of -- if Mr. Holt does have  
10 some argument to be made and -- and the dates would be  
11 necessary to make that argument. I you know I don't think  
12 the Bureau should be in the position of trying to stop that  
13 from being -- from occurring.

14 But what he just proffered. I guess maybe I don't  
15 understand what he's wanting the dates for. Because the "C"  
16 list is non-activated buildings and so any date correlating  
17 with the activation of 2727 Palisades, I'm not sure how a  
18 non-activated -- how dates relating to non-activated  
19 buildings could further the record.

20 JUDGE SIPPEL: Mr. Holt do you want to respond to  
21 that? I'm sorry Mr. Beckner.

22 MR. BECKNER: Yeah I -- I -- I think I mean the  
23 point was and Mr. Nourain at one point said you know  
24 originally said that he turned these on because he thought  
25 that -- he thought that applications had been filed and a



1 certain amount of time has passed and so it was time to turn  
2 them on. And he assumed that the applications had been  
3 granted.

4 That was in his testimony. Well that was what his  
5 original explanation was back in 1995. The interesting  
6 thing about this "C" list here, the one that's not totally  
7 censored is that there are other buildings here which are  
8 identified I mean which were not named on the list, but  
9 which were described as not activating which have contract  
10 dates that are frankly pretty old.

11 You know October 20, 1994, January 30, 1995. And  
12 the question is if one building was turned on by Mr.  
13 Nourain's 2727 Palisades because he thought that an  
14 application had been filed say two months ago, then why  
15 weren't all of these buildings turned on for the same  
16 reason? Because the contract dates and the application  
17 dates are all within the same general time period.

18 JUDGE SIPPEL: Just a second.

19 MR. BEGLEITER: I don't want the witness to be  
20 hearing this. But Mr. Nourain did not testify to the --  
21 that the starting point for him was the contract date. He  
22 testified that the starting point for him was one of the  
23 coordination dates. Take a look, I'm not sure which  
24 coordination date is on this list. But they're all pretty  
25 recent.

1 JUDGE SIPPEL: A com search coordination.

2 MR. BEGLEITER: Yeah but there were two com  
3 searches. Remember there was a supplemental showing and  
4 there was the original prior coordination. Assuming its the  
5 prior coordination. It doesn't matter. The earliest date I  
6 have here is March 21, 1995. Most of the date for  
7 coordination are in July and May. Well after everybody  
8 acknowledges Liberty knew.

9 So it doesn't you know the two dates in March  
10 would still be only about four to five weeks after Liberty  
11 acknowledges it knew the --it knew that there was a problem  
12 and began to stop all activation. So I don't -- I don't get  
13 the point. The point is he never testified the contract  
14 date was the triggering event for -- for his assumptions.

15 MR. HOLT: Your Honor I believe the contract, the  
16 record will reflect that the contract date did bear into his  
17 considerations, but he did focus on the path coordination  
18 date. The path coordination date that Mr. Begleiter just  
19 referred to, March 31, 1995, was I believe the same path  
20 coordination date for 2727 Palisades. The license  
21 application date that Mr. -- that -- that relates to this  
22 3/21/95 path coordination is March 24, 95, that was also the  
23 same date that 2727 Palisades was filed with the FCC.

24 And then they have STA applications that were the  
25 same as the date that an STA request was filed for 2727

1 Palisades. And yet Liberty apparently didn't activate  
2 service to these two buildings.

3 And the question is, if Mr. Nourain was proceeding  
4 according to certain assumptions that applied in all  
5 instances, why did they activate service to 2727 Palisades  
6 and not to these buildings?

7 JUDGE SIPPEL: Well --

8 MR. BEGLEITER: Judge excuse us for not screwing  
9 up even more than we did. I don't know why he didn't do it,  
10 but thank God.

11 JUDGE SIPPEL: Now the only -- well I say -- I --  
12 I'm -- I'm trying to follow this as best I can from up here.  
13 With what we don't even have marked as an exhibit. But I do  
14 -- I understand the substance of what's being said and  
15 really it goes back to my initial ruling in this -- in how  
16 we're going to handle this issue of credibility and that is  
17 I'm staying focussed on what has been alleged by the  
18 Commission's hearing designation order on whether or not  
19 whether the Commission was -- was misrepresented in the  
20 context of those activities.

21 If we keep going down this road that you're trying  
22 to take us, I have no idea where it might end.

23 MR. HOLT: Well I --

24 JUDGE SIPPEL: And it has nothing to do -- it  
25 could have absolutely nothing to do with candor. So I'm --

1 I'm at a loss here. I'm not at a loss. I mean I'm at a  
2 loss in terms of where this might take us to. I  
3 understand -- I understand what you're saying.

4 And I understand what Mr. Beckner is saying. And  
5 I will take that as a proffer, but my ruling is going to be  
6 based on -- based on rule 403 of the Federal Rules of  
7 Evidence and plus in addition to listening very carefully to  
8 what Mr. Weber. I just don't see where this is going to add  
9 to the case.

10 But I have -- it's all kinds of risk in terms of  
11 where it might subtract from the case, in terms of adding  
12 confusion to -- in the event somebody at the next level may  
13 want to take a look at this. So I'm going to -- anyway,  
14 that's my ruling.

15 Do you have another document that you want to ask  
16 this witness about that's been recently provided?

17 MR. HOLT: Yes, Your Honor.

18 BY MR. HOLT:

19 Q If I could direct the witnesses attention to the  
20 document bearing the Bates Number 017717. It's an incident  
21 report. At the top there is a heading June 24 - June 30,  
22 1995. June 24 - June 30, 1995.

23 JUDGE SIPPEL: Okay. Can you hear him all right?

24 THE WITNESS: Can I see your paper?

25 JUDGE SIPPEL: Can you get a little closer to the

1 microphone, Mr. Ontiveros? No go ahead. If I need it, I'll  
2 ask for it.

3 MR. SPITZER: We don't have a Bates.

4 JUDGE SIPPEL: All right let's go off the record a  
5 minute. Mr. Holt?

6 BY MR. HOLT:

7 Q Do you have that incident report before you Mr.  
8 Ontiveros?

9 A Yes. I do.

10 Q I was curious as to a couple of entries that  
11 occur three boxes down. 626 305 pm there's an entry for  
12 Lincoln Harbor. First of all, could you describe for me  
13 what this incident report is?

14 A It's just that a weekly -- it appears to be.  
15 Let's see. A weekly incident report of any sort of system  
16 problems.

17 Q All right. During this period of time did you  
18 receive -- did you create this report?

19 A No.

20 Q During this report did you receive reports such as  
21 this from people who reported to you?

22 A I received reports like this yes.

23 Q You're familiar with what this document is?

24 A Yes.

25 Q If you focus on the box that that is three lines

1 down, three boxes down, it has the entry Lincoln Harbor. Do  
2 you have that?

3 A Yes.

4 Q If you look over to the right, second box from the  
5 end there, there's a reference to a microwave transmitter on  
6 the West Side being replaced. Do you see that?

7 A Yes.

8 Q Can you relate to me what that reference is to?

9 A What it relates to it's a transmitter on the part  
10 of our network needed to be replaced.

11 Q Did during this period of time was service being  
12 provided to Lincoln Harbor some sort of microwave path?

13 A Yes. Because it's showing up -- the address is  
14 showing up as part of that problem.

15 Q Is that a reference to Lincoln Harbor Yacht Club?

16 A I believe so.

17 Q So during this period of time Lincoln Harbor was  
18 receiving service via microwave is that your testimony?

19 A From this report it appears that there was a  
20 problem with the transmitter and it affected Lincoln Harbor.

21 Q Do you have a recollection as to where the  
22 transmitter was located that was providing that service to  
23 Lincoln Harbor in this period of time?

24 A Well it says West Side, so it would have been our  
25 West Side transmitter.

1 Q Where is that transmitter located?

2 A The transmitter is located at 95th street.

3 Q What about the reference here to Normandy? Under  
4 action taken.

5 A Same. Normandy is the name of the building.

6 Q Oh, it is.

7 JUDGE SIPPEL: The name of which building? The  
8 building for the transmitter or --

9 THE WITNESS: Yes it's 215 East 95th Street.

10 BY MR. HOLT:

11 Q So during this period of time, service was being  
12 provided to the Lincoln Harbor Yacht Club site from a  
13 transmitter located at the Normandy?

14 A According to the -- again I don't know dates  
15 exactly but obviously if it's mentioning the West Side  
16 Transmitter and Lincoln Harbor's there, so I would assume  
17 yes.

18 Q Did there come a time to your knowledge that the -  
19 - to your knowledge at any time after June 20 well June 30th  
20 1995, did Liberty switch locations from which it was  
21 transmitting microwave signal to Lincoln Harbor? Did it  
22 move transmitter sites for the signal being provided from  
23 Lincoln Harbor?

24 A I don't think so.

25 Q So to your knowledge the Normandy site is the only

1 transmit site that has provided service to Lincoln Harbor  
2 from June 30 1995 onwards?

3 A Yes.

4 Q Do you know when service was commenced from the  
5 Normandy site to Lincoln Harbor?

6 A No.

7 Q Who was it that prepared this incident report? Do  
8 you know?

9 A The customers -- Director of Customer Service.  
10 Customer Service Manager.

11 JUDGE SIPPEL: Who's that? Does that person have  
12 a name that you can testify to?

13 THE WITNESS: I'm trying to think of the period of  
14 time. It was -- I would think at that period of time it  
15 would have been Anne -- Anne Rosenberg.

16 JUDGE SIPPEL: Who's office is she in?

17 THE WITNESS: She was down at the -- again during  
18 this time she was down at 575 Madison.

19 BY MR. HOLT:

20 Q Did you maintain any records in your files Mr.  
21 Ontiveros that would allow us to discern when service was  
22 activated from Normandy to Lincoln Harbor?

23 A Yes. It would be that progress report.

24 Q Around this time period?

25 A I don't know.



1 MR. HOLT: If you can bear with me a quick moment,  
2 Your Honor I'd like to take a quick look at this.

3 BY MR. HOLT:

4 Q Is this the installation report that you  
5 circulated at the weekly meetings?

6 A Yes.

7 JUDGE SIPPEL: This is Exhibit 24? Is that what  
8 you're referring to?

9 MR. HOLT: I'm trying to --

10 MR. BECKNER: 14.

11 JUDGE SIPPEL: I'm sorry, 14. Let's go off the  
12 record.

13 (Continued on next page.)

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